IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI ,THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 13380 of 2005

Between:

M.P.Girija D/o.H.K.Venkata Rao, W/o.Late M.V.Parthasarathy, R/o.C/o.Subramanya Traders, 1st Main Road, No.1470, Kalyannagar, T.Dasarahalli, Bangalore.

..... PETITIONER

AND

1 The District Judge, Ananthapur.
2 Registrar (Administration) High Court of Andhra Pradesh at Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ or writs, order or Direction, declaring the action of the respondents in not considering the case of petitioner for appointment on compassionate grounds, as illegal and arbitrary, by directing the Respondents to forthwith consider the representation dt.11-4-2005 of the petitioner and provide suitable employment to her on compassionate grounds, in terms of G.O.Ms.NO.378, Genl.Administration (Ser.A) Department, dt.24-8-1989 and also release the pensionary benefits of her husband in her favour; Award costs and pass such other or further order as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.RANGA REDDY

Counsel for the Respondent Nos.1 and 2: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following :

Oral Order: (per the Hon'ble Sri Bilal Nazki, ACJ)

The case of the petitioner is that her husband absconded in the year 1992. He was working as Steno-Typist in Judicial First Class Magistrate Court at Dharmavaram. Since more than seven years have passed after disappearance of her husband, therefore, she states that she should be given compassionate appointment on the presumption that her husband was dead.

It is curious to note that till the year 2000, the petitioner had not even given a complaint to the police that her husband was missing. When he failed to attend the duties, the Department initiated enquiry and terminated the service by dismissing him from service on 27.6.1995. Even in the enquiry, petitioner did not state that her husband was missing.

Compassionate appointments are through back door, but, are permitted in order to provide immediate succor to the family whose earning member dies. For thirteen (13) years, the husband of the petitioner is missing and for 13 years, his family has lived without him.

Therefore, in our view, even if it is presumed that the husband of the petitioner is dead, even then, she is not entitled to any appointment on compassionate grounds.

The writ petition is accordingly dismissed. No costs.

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BILAL NAZKI, ACJ

DATE: 23rd June, 2005

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K.C. BHANU,J

Pnb

To

1 The District Judge, Ananthapur.
2 Registrar (Administration),High Court of Andhra Pradesh at Hyderabad.

3 Two C.D. copies